

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

PETITION FOR WRIT OF HABEAS CORPUS  
UNDER 28 U.S.C. § 2241

Charles Laymon Cox  
PETITIONER  
(Full name of Petitioner)

Robertson Unit  
12071 FM 3522, Abilene, Tx. 79601  
CURRENT PLACE OF CONFINEMENT

vs.

1463721  
PRISONER ID NUMBER

Brian Collier T.D.C.J. Director  
RESPONDENT  
(Name of TDCJ Director, Warden, Jailor, or  
authorized person having custody of Petitioner)

3 - 22 CV 1761 - L  
CASE NUMBER  
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except that ONE separate additional page is permitted in answering question 10.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show

that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only one sentence, conviction, disciplinary proceeding, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petition(s).
6. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices.
7. It is your responsibility to immediately notify the court in writing of any change of address. Failure to notify the court of your change of address could result in the dismissal of your case.

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**PETITION**

**PLEASE COMPLETE THE FOLLOWING:** (check the appropriate number)

This petition concerns:

1. ☐ pretrial detention;
2. ☒ a conviction;
3. ☐ a sentence;
4. ☐ jail or prison conditions;
5. ☐ a prison disciplinary proceeding;
6. ☐ parole or mandatory supervision;
7. ☐ time credits;
8. ☐ other (specify): \_\_\_\_\_

Have you pursued to completion all relevant state and/or prison administrative remedies relevant to your complaint(s) before filing this petition. Yes No If yes, what was the date of the result and the result of any such proceeding. If no, explain why you have not pursued all such remedies. \_\_\_\_\_

Motion for Reconsideration, Denied 12-07-2020 (WR 78,951-05)  
in the Court of Criminal Appeals

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1. Place of detention: Robertson Unit, 12071 FM 3522 Abilene, Tx. 79601
2. State the offense with which you have been charged and whether you have been convicted of the charged offense(s) or whether you are still awaiting trial: Convicted, Agg. Sex Assault of a Child under 14 yrs. of age, Count 1 of Indictment Penetration of female sex organ by a finger
3. Name and location of court in which your case is pending or in which you were convicted: Convicted in the 213th District Court Tarrant County, 401 West Belknap, Fort Worth, Texas
4. The criminal docket or case number and the offense(s) for which you have been charged or convicted: Case No. 0647447-D
5. If you have been convicted of the charged offense(s), the date upon which sentence was imposed and the length of the sentence: 10-04-2007, Sentence 65 yrs
6. Check whether a finding of guilty was made:
  - a. after a plea of guilty   ✓
  - b. after a plea of not guilty
  - c. after a plea of nolo contendere   ✓
7. If you were found guilty, check whether that finding was made by:
  - a. a jury
  - b. a judge without a jury   ✓
8. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes

No

9. If you did appeal, give the following information for each appeal:

a. (1) Name of court and docket or case number:

Second District Court of Appeals, Case No. 2-07-378 CR

(2) Result and date of result: Affirmed Sept. 25, 2008 for lack of record to dispute claims.

(3) Grounds raised (list each):

(a) Ineffective trial counsel, failure to object to hearsay testimony

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

b. (1) Name of court and docket or case number:

Texas Court of Criminal Appeals P.D.R. 0044-09

(2) Result and date of result: Refused Feb. 04-2009

(3) Grounds raised (list each):

(a) Ineffective trial counsel, failure to object to hearsay testimony

(b) \_\_\_\_\_

(c) \_\_\_\_\_



(d) \_\_\_\_\_

10. State concisely every ground on which you claim that you are held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page only behind page 6.

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. Do not argue or cite law. Just state the specific facts that support your claim. Legal arguments and citation to cases or law should be presented in a separate memorandum.

a. **GROUND ONE:**

Actual Innocence

The Judgment Adjudicating Guilt is Void from its inception (Exhibit F)  
Without authority to proceed to adjudicate guilt on a Void Plea of Guilt.

Supporting facts: The Judgment states in relevant part: 'The Court had previously received Defendant's plea of guilty or nolo contendere, heard the evidence, found it substantiated Defendant's guilt; The Written Plea Admonishment Guilty Plea is Void (Exhibit B). The Court failed to define or disclose, any where in the Admonishment, the obligations imposed by the term Sex Offender Case load as a condition of Deferred Adjudication Probation. And where the term Sex Offender Case load is a vague and misleading representation of the unlawful conditions of probation in the Supplement /Amendment to Conditions of Community Supervision (Exhibit E), furthermore voids the agreement to plead guilt. The Court proceeded to a determination of guilt on a Void Plea of Guilt.

~~b. **GROUND TWO:**~~

~~Actual Innocence~~

~~The Judgment Adjudicating Guilt is Void from its inception (Exhibit F)~~  
~~The Unadjudicated Judgment on the original proceeding breached agreement to plead guilt, voiding the Written Plea Admonishment Guilty Plea, (Exhibit B)~~

~~Supporting facts: The Unadjudicated Judgment on Plea of Guilty or Nolo Contendere and Suspending Imposition of Sentence (Exhibit C), is void upon its face and lacked a valid guilty plea. The trial court without an adjudication of guilt, assessment of punishment or pronouncement of sentence, had neither legislated or constitutional due process authority to Order Deferred Adjudication Probation (Exhibit D) and Judge Ordered Probation, Suspending imposition of the judgment of conviction to impose unlawful conditions of probation in the Supplement /Amendment to Conditions of Community Supervision (Exhibit E)~~

~~Mental Health Treatment barred by Deferred Adjudication Statute and Sex Offender Registration barred by Ex Post Facto Law, voiding the Written Plea Admonishment Guilty Plea and Judgment Adjudicating Guilt on that Plea.~~

**b. GROUND TWO: Actual Innocence**

The Judgment Adjudicating Guilt is Void from its inception (Exhibit F)

The Unadjudicated Judgment on the original proceeding breached agreement to plead guilty, voiding the Written Plea Admonishment Guilty Plea (Exhibit B)

Supporting facts: The Unadjudicated Judgment on Plea of Guilty or Nolo Contendere and Suspending Imposition of Sentence (Exhibit C), is Void upon its face and lacked a valid guilty plea. The trial court without an adjudication of guilt, assessment of punishment or pronouncement of sentence, had neither legislative or constitutional due process authority to Order Deferred Adjudication Probation and Judge Ordered Probation suspending imposition of sentence of the judgment of conviction to impose unlawful conditions of probation in the Supplement / Amendment to Conditions of Community Supervision: Mental Health Treatment barred by Deferred Adjudication Statute and Sex Offender Registration barred by Ex Post Facto Law, voiding the Written Plea Admonishment Guilty Plea, and Judgment Adjudicating Guilt.

**d. GROUND FOUR:**

Supporting facts:

11. Relief sought in this petition: Order to vacate Void Judgment Adjudicating Guilt (No. 0647447-D) found upon the Void Guilty Plea and release Charles Laymon Cox Id. 01463721 from unlawful confinement by the Texas Department of Criminal Justice Institutional Division at Robertson Unit, 12071 FM 3522 Abilene, Tx. 79601

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12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes

No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

213th District Court Tarrant County

a. (1) Name of court and docket or case number: C-213-W011794-0647447-B

Texas Court of Criminal Appeals (WR 78,951-05)

(2) Result and date of result: Dismissed Without Written Order, October 28, 2020

(3) Grounds raised (list each):

(a) Actual Innocence: The Unadjudicated Judgment on Plea of Guilty or Nolo Contendere and Suspending Imposition of Sentence is Void; The Written Plea Admonishment Guilty Plea is Void; The Judgment Adjudicating Guilt is Void.

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

b. (1) Name of court and docket or case number: \_\_\_\_\_

(2) Result and date of result: \_\_\_\_\_

(3) Grounds raised (list each):

(a) \_\_\_\_\_



(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

14. If applicable, state whether you have filed a motion under 28 U.S.C. § 2255, and if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

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15. Are you presently represented by counsel? Yes ☒ No  
If so, name, address and telephone number of attorney: \_\_\_\_\_

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16. If you are seeking leave to proceed *in forma pauperis*, have you completed an application setting forth required information? Yes ☒ No



Wherefore, Petitioner prays that the Court grant him the relief to which he may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on

August 2, 2022 (month, day, year).

Executed (signed) on August 2, 2022 (date).

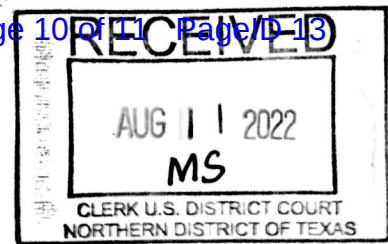
Charles Raymon Cox Id. 01463721  
Signature of Petitioner (required)

Petitioner's current address:

Robertson Unit

12071 FM 3522

Abilene, Texas 79601  
  
\_\_\_\_\_



*In The  
United States District Court  
Office of the Clerk  
For The Northern District  
Dallas, Texas*

*From: Charles Laymon Cox prose  
T.O.C.I. Id. 01463721  
Robertson Unit  
12071 FM 3522  
Abilene, Tx. 79601*

*August 2, 2022*

*To the Honorable Clerk*

*You will find enclosed Two Motions (2pgs), One Application for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (9pgs), Memorandum of Law and Authorities with Appendix 37(pgs) total 48pages. The \$5.00 dollar filing fee will be forthcoming as soon as the withdrawal from my trust fund is approved.*

*Respectfully  
Charles Laymon Cox*

*Petitioner does not have access to a copy machine, would  
the Clerk please make any copies necessary for the court.  
Thankyou*

Charles Layman Cox  
Id. 1463721  
Robertson Unit  
12071 FM 3522  
Abilene, Tx. 79601

Legal

RECEIVED - 7

AUG 11 2022

MAILROOM

United States District Court  
Office of the Clerk  
Northern District of Texas  
1100 Commerce St. Room 1452  
Dallas, Tx. 75242-1310

